

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Miscellaneous Petition No. 142 of 2016**

Ramesh Kumar Karsh S/o Tijuram Karsh Aged About 25 Years R/o Village Sarwa,
Police Station Kasdol, District Baloda Bazar - Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kasdol, District Baloda Bazar -
Bhatapara Chhattisgarh.

---- Respondent

For Applicant:

Mr. Vijay K. Deshmukh, Advocate

For State/Respondent:

Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11.05.2016

1. The present Application under Section 482 of Cr.P.C. has been preferred challenging the order dated 30.12.2015 passed by the First Additional Sessions Judge, Baloda Bazar in Criminal Revision No. 86/2015 whereby the revisional Court has rejected the revision preferred by the Petitioner challenging order of the J.M.F.C. Kasdol, Baloda Bazar dated 26.11.2015 passed in Criminal Case No. S-251/2015 rejecting the application of the Applicant under Section 437(6) of Cr.P.C.

2. Learned Counsel for the Applicant submits that there is an inordinate delay in conducting trial, in as much as till now only 3 out of 30 witnesses have been examined by the prosecution and that a considerable time may take in conclusion of the trial. The Applicant is in jail since 27.3.2015, therefore he may be granted advantage of provisions under Section 437(6) of Cr. P.C.

3. Learned State Counsel opposing the Application draws attention of this Court that on the previous hearing the witnesses have been examined, therefore there should not be an apprehension of delay in concluding the trial, and on the contrary the Court below may be directed for an expeditious trial.

4. Considering the total facts and circumstances of the case and also considering the nature of the allegation levelled against the Applicant this Court is of the opinion that at this stage granting relief under Section 437(6) of Cr.P.C. does not call for.

5. However, the Court below is directed to ensure that the trial be concluded as early as possible without granting unnecessary prolonged adjournments.

6. With the aforesaid observations, the present Application is dismissed.

Sd/-
(P. Sam Koshy)
JUDGE